

nor more than \$5,000 for each such violation. Each violation shall be a separate offense.

**(2) Cease-and-desist orders**

In addition to or in lieu of such civil penalty, the Secretary may issue an order requiring such person to cease and desist from continuing such violation.

**(3) Notice and hearing**

No penalty shall be assessed or cease and desist order issued by the Secretary under this subsection unless the Secretary gives the person against whom the penalty is assessed or the order is issued notice and opportunity for a hearing before the Secretary with respect to such violation.

**(4) Finality**

The penalty assessed or cease and desist order issued under this subsection shall be final and conclusive unless the person against whom the penalty is assessed or the order is issued files an appeal with the appropriate district court of the United States in accordance with subsection (d) of this section.

**(d) Review by district court**

**(1) Commencement of action**

Any person against whom a violation is found and a civil penalty assessed or cease and desist order issued under subsection (c) of this section may obtain review of the penalty or order by—

(A) filing, within the 30-day period beginning on the date such penalty is assessed or order issued, a notice of appeal in the district court of the United States for the district in which such person resides or does business, or in the United States District Court for the District of Columbia; and

(B) simultaneously sending a copy of the notice by certified mail to the Secretary.

**(2) Record**

The Secretary shall promptly file in such court a certified copy of the record on which the Secretary found that the person had committed a violation.

**(3) Standard of review**

A finding of the Secretary shall be set aside only if the finding is found to be unsupported by substantial evidence.

**(e) Failure to obey orders**

A person who fails to obey a cease and desist order after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d) of this section, of not more than \$500 for each offense. Each day during which such failure continues shall be considered as a separate violation of such order.

**(f) Failure to pay penalties**

If a person fails to pay an assessment of a civil penalty after it has become final and unappealable, or after the appropriate United States dis-

trict court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any district court in which the person resides or conducts business. In such action, the validity and appropriateness of such civil penalty shall not be subject to review.

(Pub. L. 101-624, title XIX, §1928, Nov. 28, 1990, 104 Stat. 3863; Pub. L. 102-237, title VIII, §803(2), Dec. 13, 1991, 105 Stat. 1882.)

AMENDMENTS

1991—Subsec. (d)(1)(A). Pub. L. 102-237 substituted “United States District Court” for “United States district court”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6106, 6108 of this title.

**§ 6108. Investigations and power to subpoena**

**(a) Investigations**

The Secretary may make such investigations as the Secretary considers necessary for the effective administration of this chapter or to determine whether any person subject to this chapter has engaged or is engaging in any act that constitutes a violation of this chapter or of any order, rule, or regulation issued under this chapter.

**(b) Subpoenas, oaths, and affirmations**

**(1) In general**

For the purpose of an investigation made under subsection (a) of this section, the Secretary may administer oaths and affirmations and issue a subpoena to require the production of any records that are relevant to the inquiry. The production of any such records may be required from any place in the United States.

**(2) Administrative hearings**

For the purpose of an administrative hearing held under section 6106 or 6107 of this title, the presiding officer is authorized to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States.

**(c) Aid of courts**

In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in order to enforce a subpoena issued by the Secretary under subsection (b) of this section. The court may issue an order requiring such person to comply with such a subpoena.

**(d) Contempt**

Any failure to obey such order of the court may be punished by such court as a contempt thereof.

**(e) Process**

Process in any such case may be served in the judicial district in which such person resides or conducts business or wherever such person may be found.

**(f) Hearing site**

The site of any hearings held under section 6106 or 6107 of this title shall be within the judicial district where such person resides or has a principal place of business.

(Pub. L. 101-624, title XIX, §1929, Nov. 28, 1990, 104 Stat. 3864; Pub. L. 102-237, title VIII, §803(3), Dec. 13, 1991, 105 Stat. 1882.)

**AMENDMENTS**

1991—Subsec. (b)(2). Pub. L. 102-237 struck out “section” after “6106 or”.

**§ 6109. Savings provision**

Nothing in this chapter may be construed to preempt or supersede any other program relating to mushroom promotion, research, consumer information, or industry information organized and operated under the laws of the United States or any State.

(Pub. L. 101-624, title XIX, §1930, Nov. 28, 1990, 104 Stat. 3865.)

**§ 6110. Suspension or termination of orders**

The Secretary shall, whenever the Secretary finds that the order or any provision of the order obstructs or does not tend to effectuate the declared policy of this chapter, terminate or suspend the operation of such order or provision. The termination or suspension of any order, or any provision thereof, shall not be considered an order under the meaning of this chapter.

(Pub. L. 101-624, title XIX, §1931, Nov. 28, 1990, 104 Stat. 3865.)

**§ 6111. Authorization of appropriations****(a) In general**

There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this chapter.

**(b) Administrative expenses**

The funds so appropriated shall not be available for payment of the expenses or expenditures of the Council in administering any provision of an order issued under this chapter.

(Pub. L. 101-624, title XIX, §1932, Nov. 28, 1990, 104 Stat. 3865.)

**§ 6112. Regulations**

The Secretary may issue such regulations as are necessary to carry out this chapter.

(Pub. L. 101-624, title XIX, §1933, Nov. 28, 1990, 104 Stat. 3865.)

**CHAPTER 91—LIME PROMOTION, RESEARCH, AND CONSUMER INFORMATION**

- Sec.  
6201. Findings, purposes, and limitations.  
    (a) Findings.  
    (b) Purposes.  
    (c) Limitations.

- Sec.  
6202. Definitions.  
6203. Issuance of orders.  
    (a) In general.  
    (b) Procedure.  
    (c) Amendments.  
6204. Required terms in orders.  
    (a) In general.  
    (b) Lime Board.  
    (c) Budgets and plans.  
    (d) Assessments.  
    (e) Use of assessments.  
    (f) False claims.  
    (g) Prohibition on use of funds.  
    (h) Books, records, and reports.  
    (i) Confidentiality.  
    (j) Withholding information.  
6205. Permissive terms in orders.  
6206. Petition and review.  
    (a) Petition.  
    (b) Review.  
6207. Enforcement.  
    (a) Jurisdiction.  
    (b) Referral to Attorney General.  
    (c) Civil penalties and orders.  
    (d) Review by United States district court.  
    (e) Failure to obey orders.  
    (f) Failure to pay penalties.  
6208. Investigations and power to subpoena.  
    (a) In general.  
    (b) Power to subpoena.  
    (c) Aid of courts.  
    (d) Contempt.  
    (e) Process.  
    (f) Hearing site.  
6209. Initial referendum.  
    (a) Requirement.  
    (b) Purpose of referendum.  
    (c) Confidentiality.  
    (d) Refund of assessments from escrow account.  
6210. Suspension and termination.  
    (a) Finding of Secretary.  
    (b) Periodic referenda.  
    (c) Required referenda.  
    (d) Limitation.  
    (e) Vote.  
6211. Authorization of appropriations.  
    (a) In general.  
    (b) Administrative expenses.  
6212. Regulations.

**§ 6201. Findings, purposes, and limitations****(a) Findings**

Congress finds that—

(1) domestically produced limes are grown by many individual producers;

(2) virtually all domestically produced limes are grown in the States of Florida and California;

(3) limes move in interstate and foreign commerce, and limes that do not move in such channels of commerce directly burden or affect interstate commerce in limes;

(4) in recent years, large quantities of limes have been imported into the United States;

(5) the maintenance and expansion of existing domestic and foreign markets for limes and the development of additional and improved markets for limes are vital to the welfare of lime producers and other persons concerned with producing, marketing, or processing limes;

(6) a coordinated program of research, promotion, and consumer information regarding